

1 ROBERT W. FREEMAN
Nevada Bar No. 3062
2 GREGORY S. BEAN
Nevada Bar No. 12694
3 Robert.Freeman@lewisbrisbois.com
Gregory.Bean@lewisbrisbois.com
4 LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 S. Rainbow Boulevard, Suite 600
5 Las Vegas, Nevada 89118
702.893.3383
6 FAX: 702.893.3789
Attorneys for Defendant
7 *Officer Danny Rose*

8 **UNITED STATE DISTRICT COURT**
9 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

10

11 JOHN A. GONZALES, individually; and
TERRESA GONZALES, individually,

12 Plaintiff,

13 vs.

14 LAS VEGAS METROPOLITAN POLICE
15 DEPARTMENT; DOUGLAS C. GILLESPIE,
individually and in his official capacity as
16 Sheriff of Clark County; Las Vegas
Metropolitan Police Department Sergeant M.
17 Langgin, Badge #4078, individually and in his
capacity as a police sergeant employed by the
18 Las Vegas Metropolitan Police Department;
Las Vegas Metropolitan Police Department
19 Officers D. Rose, Badge #9830, and
KAPLAN, Badge #13421, individually and in
20 their official capacities as police officers
employed by the Las Vegas Metropolitan
21 Police Department; CLARK COUNTY,
NEVADA; DOES 1 through 10, and ROE
22 ENTITIES 11 through 20, inclusive,

23 Defendant.

CASE NO. 2:14-cv-1827-APG-GWF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINE**

(FIRST REQUEST)

24 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective
25 counsel of record, hereby stipulate and request that this Court extend discovery in the above-
26 captioned case ninety (90) days, up to and including October 6, 2015. In addition, the parties
27 request that the dispositive motions and pretrial order deadlines be extended for an additional
28

1 ninety (90) days as outlined herein. In support of this Stipulation and Request, the parties state as
 2 follows:

- 3 1. On November 6, 2014, Defendant removed the instant action to Federal
 4 Court.
- 5 2. On December 5, 2014, Defendant filed its Answer to Plaintiff's Amended
 6 Complaint with Federal Court.
- 7 3. On November 6, 2014, Defendant filed its Statement Regarding Removal.
- 8 4. On January 6, 2015, the parties prepared and the Court then entered a
 9 Discovery Plan and Scheduling Order (the Order).
- 10 5. On January 13, 2015 Defendant Las Vegas Metro Police Department served it's
 12 initial document and witness disclosures.
- 11 6. On January 16, 2015, Plaintiffs served their initial document and witness
 14 disclosures.
- 12 7. On March 6, 2015 Plaintiff Teressa Gonzales served a Suggestion of Death Upon
 16 the Record Under FRCP Rule 25(a)(1) for Plaintiff John A. Gonzales.

- 18 8. On November 5, 2015, Defendants LVMPD, Gillespie, Kaplan and Langgin filed a
 19 Motion for Partial Dismissal. On November 20, 2015 Defendant Officer Danny Rose filed a
 20 Motion to Dismiss. On April 22, 2015 the Court denied the motions without prejudice and order
 21 that Plaintiff Terresa Gonzales submit and amended complaint within thirty (30) days.

23 DISCOVERY REMAINING

- 24 1. Defendants will take the deposition of Plaintiffs.
- 25 2. Plaintiffs will take the deposition of Defendants and Defendant's representatives.
- 26 3. The parties will collect Plaintiffs' medical and billing records.
- 27 4. The parties will take the depositions of the designated expert witnesses.

1 5. The parties will take the depositions of Plaintiffs' medical providers.
2 6. The parties will take the depositions of any and all other witnesses garnered
3 through discovery.

4 This Request for an extension of time is not sought for any improper purpose or other
5 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient
6 time to conduct discovery.

7 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

8 The parties are in the process of serving and responding to written discovery requests. The
9 parties anticipate that Defendants will need to collect Plaintiff John Gonzales' medical records
10 once medical authorizations are provided to Defendants. Since Plaintiffs are alleging significant
11 injuries as a result of the incident, it will be necessary for all medical records to be obtained in
12 order for Defendants to adequately assess expert retention for this case. The parties also anticipate
13 Plaintiffs will request to take the deposition of one or more of Defendants and their
14 representatives. The parties will also need to schedule the depositions of Plaintiff Terresa
15 Gonzales, Plaintiff John Gonzales' treating physicians as well as the depositions of any expert
16 witnesses.

17 The parties have conferred regarding discovery for this case and it appears the parties can
18 work together to complete the discovery requested with additional time allowed by this court.
19 Counsel for Defendants and Plaintiffs have had scheduling conflicts with other cases which have
20 impacted their respective ability to complete discovery for this case within the initially agreed
21 upon dates. Accordingly, the parties respectfully request a reasonable extension of time to afford
22 sufficient opportunity to complete discovery for this case. The parties' request for additional time
23 for discovery is reasonable in light of the complexity of the case and the multiple parties involved
24 in this lawsuit.

25 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-4 governs
26 modifications or extension of this discovery plan and scheduling order. Any stipulation or motion
27 must be made no later than twenty-one (21) days before the expiration of the subject deadline, and

1 comply fully with LR 26*-4.

2 The following is a list of the current discovery deadlines and the parties' proposed
3 extended deadlines.

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	July 6, 2015	October 6, 2015
Extension of Discovery Deadline	June 16, 2015	September 14, 2015
Expert Disclosure pursuant to Fed R. Civ. P. 26 (a)(2)	May 5, 2015	August 6, 2015
Rebuttal Expert Disclosure pursuant to Fed. R. Civ. P. 26(a)(2)	June 5, 2015	September 4, 2015
Interim Status Report	April 6, 2015	August 6, 2015
Dispositive Motions	August 5, 2015	November 4, 2015, or at least thirty (30) days after the close of discovery
Joint Pretrial Order	September 5, 2015	December 3, 2015, or at least thirty (30) days after the decision of last Dispositive Motions

15 This Request for an extension of time is not sought for any improper purpose or other
16 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient
17 time to conduct discovery in this case and adequately prepare their respective cases for trial.
18

19 This is the First request for extension of time in this matter. The parties respectfully
20 submit that the reasons set forth above constitute compelling reasons for the short extension.
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27 ...
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1 WHEREFORE, the parties respectfully request that this Court extend the discovery
2 period by ninety days (90) days from the current deadline of July 6, 2015 up to and including
3 October 6, 2015 and the other discovery dates as outlined in accordance with the table above.
4

5 DATED this 23rd day of April, 2015.

6 LEWIS BRISBOIS BISGAARD & SMITH DATED this 23rd day of April, 2015.

7 /s/ Robert W. Freeman

8 Robert W. Freeman, Jr., Esq.
Nevada Bar No. 3062
9 Gregory S. Bean, Esq.
Nevada Bar No. 12694
10 6385 S. Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
11 *Attorneys for Defendant
Officer Danny Rose*

/s/ Jolene J. Manke

David J. Churchill
Nevada Bar No. 7308
Jolene J. Manke
Nevada Bar No. 7436
6900 Westcliff Drive, Suite 707
Las Vegas, NV 89145
*Attorneys for Plaintiff
John A. Gonzales and Terresa Gonzales*

12 DATED this 23rd day of April, 2015.

13 MARQUIZ AURBACH COFFING

15 /s/ Craig R. Anderson

16 Craig R. Anderson, Esq.
Nevada Bar No. 6882
17 10001 Park Run Drive
Las Vegas, Nevada 89145
18 *Attorneys for Defendant
Las Vegas Metropolitan Police Department
Sheriff Gillespie, Sergeant Langgin, and
Officer Kaplan*

21 **ORDER**

22 IT IS SO ORDERED.

23 Dated this 24th day of April, 2015.

25 
26 U.S. DISTRICT COURT JUDGE
U.S. MAGISTRATE JUDGE